

In the Matter of)	
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Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23
)	

FURTHER NOTICE OF PROPOSED RULEMAKING

Comments of the National Tribal Telecommunications Association

I. Introduction

The National Tribal Telecommunications Association is an alliance of all 12 of the tribally owned telecommunications companies in the United States. The Cheyenne River Sioux; Tohono O’dham; Gila River; San Carlos Apache; Fort Mojave; Salt River Pima Maricopa; Mescalero Apache; and Hopi Tribes have formed regulatory Eligible Telecommunications Carriers. Standing Rock Sioux; Pine Ridge Sioux; Crow Creek Sioux; and Warm Springs Tribes have created competitive local exchange services.

II. Executive Summary

- Because of the high unemployment rates, high poverty rates, and high levels of voice and broadband underservice, Tribal communities should be treated uniquely;
- The Commission should preserve the Enhanced Lifeline and Linkup program for Tribal lands and Native communities;
- The Commission should implement a permanent Broadband Lifeline and Linkup program;
- An Enhanced Tribal Broadband and Linkup program can be tailored to reflect the transition from voice to broadband (and bundled) service;
- The designated Tribal areas provisions are important efforts to target low-income Tribal members, but need greater clarification;
- Prohibiting use of post-office box addresses for eligibility can harm substantial numbers of Tribal families—ameliorative measures can be implemented to address fraud;
- Pilot projects to assess adoption and retention misses the permanent need of Tribal communities for Broadband support (affordability is the real concern: not retention and adoption)
- Pilot projects to determine “right-sizing” of and administration of broadband low-income support is important;
- Broadband Lifeline and Linkup support should include an “anchor institution” component;
- Digital literacy is important to adoption, but should not come at the expense of essential voice and broadband infrastructure deployment;
- The e-rate program is a practical place to add digital literacy programs.

III. Comments

The Federal Communications Commission sought comments and proposals in its proposed Lifeline and Linkup Order in furtherance of ensuring the availability of broadband service for low-income Americans.

A. Tribal Needs for Low-Income Support are Unique

The Federal Communications Commission has taken great interest in and has recognized the unique circumstances of native communities and Tribal nations. The Commission acknowledged the special Trust relationship with Tribal communities.

Census, Commission and other data sources point to the stark underservice and lack of connectivity in Native America.¹ The disparity for lack of voice dial-tone and broadband access is stark. Native Communities are the least connected community in America. Native residents are 10 times more likely to be unable to call 911 for help than non-Native residents (Nationwide average for lack of voice dial-tone access is 2-3 percent, compared to over 30 percent for Native communities.) Native residents are six times more likely to be without broadband than non-Native residents (60 percent of Americans have broadband compared to 10 percent for Native residents).

The Commission's Low-Income programs have made dramatic strides in addressing these disparities. USAC data shows the increase of Tribal Linkup participation from 2,038 members in 2000 to 184,803 members in 2011. And in

¹ See NTTA's and NCAI's filings with the FCC, as well as the Commission's 12th Report and Order, Office of Technology Assessment and General Accounting Office report to Congress on Tribal access to telecommunications service.

the Tier IV program, participation increased from 17,923 participants in 2000 to 444,515 participants in 2011.

In the National Broadband Plan, the Commission has correctly stated the importance of broadband to remote and Tribal communities.² Broadband is the knowledge and commercial pathway of tomorrow. Lifeline and Linkup support in Tribal lands can make a profound difference in attaining public safety help as well as securing economic opportunity and attaining educational parity with non-Tribal lands.

In this proposed change to the Lifeline and Linkup programs, support for Tribal consumers unable to afford broadband (and continued need for voice telephony) must remain a focus of universal access.

B. Low-Income Eligibility Changes

NTTA supports the Commission's efforts to adopt uniform eligibility criteria across all the states³. While most Tribal members participate in the Enhanced Lifeline and Linkup program, there is no compelling reason Tribal members residing in different states not participating in the Enhanced Lifeline and Linkup program should have different qualifying criteria to receive Lifeline and Linkup support.

² *Connecting America: The National Broadband Plan* (2010) ("National Broadband Plan").

³ Lifeline FNRPM, paragraphs 65-67.

NTTA supports the proposal to add the Food Distribution Program on Indian Reservations (“FDPIR”) and the Women, Infant, and Children’s (“WIC”) program as additional programs to the list of eligible programs for participation in the Lifeline program.

Eligibility amount

NTTA endorses the Commission decision not to change the 135 percent of poverty guideline eligibility for Low-Income program participants.

Re-Certifications

NTTA strongly endorses the process for re-certifications, particularly for ETCs serving Tribal lands.

The abominable disparity of both voice and broadband service on Tribal lands requires the FCC to undertake extraordinary actions and measures. In previous filings, NTTA has proposed extraordinary measures to include supporting the choice of sovereign nations (the historic victims of underservice) to choose ETCs to provide service on Tribal lands. NTTA has sought help and support for Tribes that choose to become regulatory providers. NTTA has pointed out a barrier that incumbent providers frequently refuse to sell a tribal service area to the Tribe. NTTA has asked the FCC to ease certification of public convenience and necessity for Tribal lands. NTTA has promoted consultation by

ETCs serving Tribal lands and a requirement these ETCs attain the legal requirements and permissions for doing business on Tribal lands.

While this Order does not govern the re-certification of ETCs serving tribal lands, the role of re-recertifying low-income customers should be an opportunity to promote ETC engagement with Tribes. This promotes quality results for regulatory and public interest service and will improve the efficiency (and address concerns of waste, fraud and abuse) in the low-income program on Tribal lands.⁴

C. Tribal Specific Eligibility Issues

Tribal Lifeline Eligibility

NTTA strongly supports the Commission's attempt to expand the reach of the Low-Income Lifeline program while reducing the over inclusiveness of previous Tribal eligibility guideline of "near reservation".

Program Eligibility

⁴ We codify a rule requiring all ETCs in all states (or the state administrator, where applicable) to submit their aggregated re-certification data to USAC and the Commission by January 31, 2013.⁴ We delegate to the Wireline Competition Bureau the authority to coordinate with USAC to determine an appropriate format for the submission of such data.⁴ All eligible telecommunications carriers must also provide this re-certification data to the relevant state commission, where the carrier is subject to state jurisdiction, and to the relevant Tribal government, for subscribers residing on reservations or Tribal lands.

NTTA strongly endorses the Commission's amendment of section 54.409 to expand program-based eligibility to participants in the Food Distribution Program on Indian Reservations (FDPIR), a federal program that provides food to low-income households living on Indian reservations and to Native American families residing in designated areas near reservations and in the State of Oklahoma. Both the FDPIR program eligibility change and the recognition of the unique land issues of certain tribes will strengthen the Commission's intent to assist low-income Tribal families that have been isolated by region and by program clarity.

In addition, NTTA concurs in the Commission's decision to clarify that Tribal residents may qualify either by the 135% of poverty income criteria or by the Tribal assistance programs delineated in amend section 54.409 of the Commission's rules.

Post Office Box Addresses

NTTA opposes the Commission's decision to eliminate the use of Post Office Box address to verify eligibility and check for duplication for Tribal residents for Lifeline and Linkup.⁵ The Commission itself has acknowledged addresses in rural areas and on Tribal lands are difficult to identify.⁶ Since most,

⁵ Paragraph 87, FNRPM.

⁶ "We acknowledge the challenges associated with the lack of addresses on Tribal lands and discuss this issue further below. *See infra* para. 166. The record indicates that residential addresses are frequently non-existent on Tribal lands and, where present, often differ significantly from residential addresses off Tribal lands. *See, e.g.,* SBI Comments at 14-16", footnote 226, Lifeline FNRPM.

if not almost all, Native communities have not been E-911 mapped, this can have a large-scale impact on the ability of Native residents to attain Lifeline and Linkup support.

If the Commission is concerned about fraud or duplicate support for households, it can a) use a family name cross-check rendered by the ETC; b) require a certification—upon penalty by fine and disqualification--by the enrollee that he or she is not already a participant at another address; and, c) seek assistance from Tribal governments to either confirm the residential address or provide a more substantiated residential address.

A flexible transitional rule can be applied to the post box address matter—pursuant to the modernizing trend desired by the Commission--that as Native communities and Tribal lands are mapped, or as census addressing becomes more statistically relevant, post office addressing can be phased out as a permissible eligibility component.

Households

NTTA applauds the FCC recognition that multiple families frequently reside at the same address. Therefore, the attempt to re-define “household” is appropriate and highly relevant for Tribal communities. However, the term “economic unit” can be very elusive and difficult to define. NTTA suggests the FCC consult with Tribal governments and advocacy groups to attain a clear definition of economic units to reflect real conditions on Tribal lands and in Native communities.

NTTA supports the comments of NCAI on support eligibility for “economic units”, including strengthening the engagement provisions to include discussions (and advertisement) for Lifeline and Linkup eligibility with Tribal governments.

However the definition for the economic unit or household is resolved and however support is rendered for multiple “lines” in mixed households or to multiple economic units at an address, NTTA proposes that at least one Lifeline support be provided for a landline connection for each eligible address. Landline (including bundled service) support should be prioritized over support for wireless service. NTTA feels strongly that the legacy and spirit of the Lifeline program is based on the essential link to public safety for low-income families. When wireless providers entice low-income customers to migrate their support to a wireless device, the unknown consequence is that an entire family loses support for premise-based 911 services. (This has an impact on the ability of 911 services being able to locate household victims in need of assistance.)

With the elimination of the identical support rule, low-income families need to be aware that family members are put at risk when a single member switches the family Lifeline support to a mobile device that is deployed away from home.

Tribal land designations

NTTA lauds the Commission’s effort to both broaden the reach of the Enhanced Lifeline and Linkup program to Tribal residents located outside of

reservations, are not comprised as traditional reservations, or in areas that are connected to or in a strong sense part of a traditional Tribal community, while removing the over inclusiveness of the “near reservation” criteria. The proposed Section 54.400(e) procedural provisions make rational sense as sound means to address these complex issues.

NTTA has several concerns that the Commission should attempt to address or clarify through additional NPRMs or consultations with Tribal governments.

First, as NCAI points out, the term “duly authorized official” is a vague term. It is unclear what “duly authorized” comprises and what “authorized official” encompasses. Does the Tribe need to act specifically to “authorize” such an individual to act on its behalf on these eligibility matters? The Commission can clarify this through additional FNRPM process or through consultations with Tribal governments.

The next question is in the second element of evidence: a description of how Tribal lands Lifeline support to the designated area would aid the Tribe in serving the needs of and interests of its citizens. This may not be a difficult standard, but evidence of aiding the Tribe in serving the needs and interests of its citizens might be less than tangible or concrete. Would a statement or Tribal council declaration suffice to meet this standard in place of the requirement for “evidence”?

NTTA endorses the use of additional indicia for qualifying nexus under the section 83.7(b)(2)(i) of part 25 of the Code of Federal Regulations⁷ that more than 50 percent of Tribal members live in a geographical area exclusively or almost composed of members of the Tribe. This strengthens the second requirement of 54.412 of how the provision of Tribal lands Lifeline support to the community or area would aid the Tribe in serving the needs of its community and thus would further the goals of the enhanced Lifeline program.

NTTA raises another question about the Commission requirement that “The Tribal government must also clearly describe a defined area for the off-reservation lands for which it seeks designation as Tribal lands”⁸ citing the Second Report and Order on Rural Radio. NTTA understands for radio transmissions and signal attenuation that a clearly defined area is important to govern the reach of a radio license. However, and NTTA may be wrong, a clearly defined area may not be easy to attain and may raise standards of proof or mapping that create additional burdens for a Tribe and may limit unfairly Tribal residents on the other side of the “clearly defined area” as population demographics and neighborhood trends change. The Commission may wish to clarify how this Commission may be met.

NTTA raises the question of whether these provisions intentionally exclude the Enhanced Linkup program. Paragraph 162 expressly states: “it is the express intent of the Commission that any such designation shall be used

⁷ 25 C.F.R. § 83.7(b)(2)(i). Title 25 encompasses the responsibilities of the Bureau of Indian Affairs, and Part 83 is entitled “Procedures for Establishing that an American Indian Group exists as an Indian Tribe.”

⁸ See *Rural Radio Second Report and Order*, 26 FCC Rcd at 2586, para. 58 (noting that Tribal lands may be very small or irregularly shaped).

solely for the Lifeline program and shall not be used for other purposes..."

(Emphasis added) Arguments can be made why this is so or how it limits the administrative burden on USAC or on the ETC, or limits budgetary costs. But because over 90 percent of Native families do not have access to broadband, this can become a critical element of broadband access (and universal service) and for broadband adoption, especially as the 54.400(e) changes—removing “near reservation” provisions--are made expressly to target greater populations of low-income Tribal members.

NTTA raises one additional question on these expanded Tribal area designations: does the Tribal Engagement requirements extend to ETCs serving these newly designated Tribal areas? In areas where a traditional reservation or a land base does not exist, nevertheless Tribal governments still represent the interests of the Tribal community. NTTA is a strong proponent (see NTTA’s response to the RLEC petition to rescind the FCC Engagement provisions) of the ETC engagement requirements as critical to improving the quality of public interest service on Tribal lands and promoting efficient use of Universal service funding.

NTTA trusts that these issues can be resolved through clarification by the Commission through additional NPRMs and consultations with Tribes.

Self-Certification

NTTA strongly endorses the Commission's decision that pursuant to section 54.410 of the Commission's amended rules⁹, consumer self-certification is sufficient to meet the Tribal lands residency requirement for enhanced Lifeline support.

Multiple Support for Landline and Voice

NTTA has mixed reaction to whether recipients should be allowed to allocate their support between both Voice and Broadband service. Bundling of broadband and voice service will be the future service model. NTTA endorses support for bundled voice and broadband services. Insofar as \$34.25 could pay first for a landline phone discount, and then for a wireless device, this would help Tribal low-income customers with lifeline and economic communications needs. However, a recipient choice to split landline and wireless support would be difficult to administer and also create a greater likelihood of waste and inefficiency in the use and administration of Lifeline and Linkup funds.

D. The Enhanced Lifeline & Linkup program:

The Commission should support preserve the Enhanced Lifeline and Linkup program for Tribal lands.¹⁰ NTTA commends the Commission's

⁹ *Lifeline and Link Up NPRM*, 26 FCC Rcd at 2816, para. 139.

¹⁰ *2000 Tribal Lifeline Order*, 15 FCC Rcd at 12231-32, paras. 20-85. An eligible resident of Tribal lands is defined as a qualifying low-income consumer living on or near a reservation, with a reservation being defined as "any federally recognized Indian tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims

preservation of the Linkup program in the modernized Lifeline and Linkup program.¹¹

How should it be structured?

Like the USF program, a modernized Enhanced Lifeline and Linkup program should be flexible enough to transition support according to the broadband deployment in Tribal communities.

So long as there are communities without full access to voice-dial-tone and access to 911, the Enhanced Lifeline and Linkup program should continue to support voice dial-tone access.

Because bundled support for any Broadband capacity may have the unintended consequence of incentivizing only the most minimal broadband capacity, resulting in a low-capacity ceiling, NTTA recommends the FCC add an additional Tier 5 incentive support for provisioning 4 megabit downstream and 1 megabit upstream service to providers that attain that technology goal on Tribal lands.

Settlement Act (85 Stat. 688), and Indian allotments.” 47 C.F.R. § 54.400(e); *see also* 2000 Tribal Lifeline Order, 15 FCC Rcd 12217-19, paras. 16-19. *See infra* paras. 156-63 for a discussion of “near reservation” lands.

¹¹ Paragraph 59. Also, 2000 Tribal Lifeline Order, 15 FCC Rcd at 12239-40, para. 60: “Given the significant telecommunications deployment and access challenges on Tribal lands, however, at the present time we will maintain enhanced Link Up support for those ETCs that also receive high-cost support on Tribal lands, Id at para. 245. (*See USF/ICC Transformation Order*, FCC 11-161 at para. 482 (recognizing that Tribal lands have significant telecommunications deployment and access challenges). When the Commission first established the expanded Link Up program for Tribal lands, it observed that doing so would create incentives for carriers to construct facilities where none existed.”

However, in Communities where Broadband is accessible or where practicable, the Enhanced Lifeline and Linkup program should evolve into a Broadband Lifeline and Linkup support program. Bundled voice and dial-tone support should be permitted.

What is the right amount of support?

The Lifeline Order relied on both section 254 and the unique trust relationship between the federal government and American Indian Tribes and Alaska Native Villages, the Commission to create a fourth tier of Lifeline support.¹² The FCC has recognized the extreme disparity of underservice for broadband and voice in Tribal communities. (See the retention of the Linkup program only for Tribal lands.)

In the Lifeline and Linkup NPRM the Commission asked whether Tier four support is reasonable or created a price floor for carriers serving Tribal lands.¹³ With limited response, the Commission declined to make any changes to Tier Four support. While NTTA applauds the retention of the Tier IV support for the Enhanced Lifeline and Linkup program, NTTA feels the program should be flexible enough to adjust to the transitioning environment from voice to broadband service.

¹² Paragraph 151. The Commission provided up to an additional \$25 (for a maximum of \$35) per month in Lifeline support to qualifying low-income consumers living on Tribal lands. The Commission also expanded Link Up to allow qualifying residents of Tribal lands to receive up to an additional \$70 (for a maximum of \$100) off of the cost of commencing telephone service. Moreover, the Commission broadened the program-based eligibility criteria for Lifeline to include the Bureau of Indian Affairs (BIA) general assistance program, Tribally-administered Temporary Assistance for Needy Families, Head Start, and the National School Lunch Program's free lunch program.

¹³ Paragraph 59, Lifeline FNRPM.

The Commission should retain the base level \$34.25 based on the new flat rate combining Tiers I, II and III with the existing Tier IV support for eligible Tribal members.

NTTA understands the budget limitation of the Low-Income fund and supports a moderate increase to existing Enhanced Lifeline and Linkup discounts. However, with savings from duplication reforms, from elimination of the identical support rule and elimination of the non-Tribal linkup program, NTTA proposes adding modest increases to create a Tier IV Broadband Lifeline program. NTTA proposes adding an additional \$10 support (on top of the \$34.25) for Broadband capacity below 4 megabits downstream and 1 megabit upstream, and \$15 support on top of the \$34.25 base Enhanced Lifeline support for broadband capacity above 4 megabits downstream and 1 megabit upstream. (This would provide an incentive for ETCs to expand their networks to low-income and underserved areas, or increase their outreach to low-income customers and low service areas.)

To maximize efficiency for administration of the low-income and the Enhanced Lifeline and Linkup program, NTTA proposes a single ETC administer the Enhanced Broadband Lifeline and Linkup program on each Tribal land reservation or area.

E. Pilot Programs

NTTA applauds the Commission's intent to modernize the Low-Income program to support consumer access to Broadband.

Recognizing that the Commission requires sufficient data to “right-size” a broadband Lifeline and Linkup program, NTTA supports a pilot program effort to gather “best practice” and “cost-efficiency” data. However, the Commission’s pilot project imperative states: “a pilot program could allow the Commission to gather data on whether and how the Lifeline program can be structured to promote the adoption and retention of broadband services by low-income households.”¹⁴

NTTA is concerned that the pilot program’s limited goal of assessing adoption and retention misses the needs of Tribal lands for low-income consumer support. The existing data from the Enhanced Lifeline and Linkup program should be compelling enough to determine that the need for support in extreme and predominant low-income communities is great. The Commission understands that the disparity of broadband access will only increase as the cost of advanced technology services increases. If the pilot project helps determine the right-size of Lifeline and Linkup support for Tribal consumers, NTTA supports that mission. However, adoption and retention are entirely ancillary goals compared to the greater need for broadband access and affordable voice and Broadband service for Tribal consumers.

NTTA strongly urges the Commission to commit to a permanent Enhanced Broadband Lifeline and Linkup program for Tribal lands and not wait the 18 months to make that commitment.

¹⁴ Lifeline FNRPM, paragraph 323.

Broadband Adoption

NTTA supports initiatives to strengthen broadband adoption. However, because so few of Tribal residents can afford residential broadband, notwithstanding the institution of an Enhanced Broadband Lifeline and Linkup program, a critical priority of adoption and broadband access in Tribal lands should be to initiate an “anchor institution” component to the proposed Enhanced Broadband Lifeline and Linkup program. A Tribe has numerous anchor institutions--governmental offices, clinics, schools, libraries, senior centers, social service offices, boys and girls clubs--through which Tribal members can access broadband public portals. The public portals provide vital connection to the outside world and to the community. By supporting anchor institution connectivity through the Enhanced Lifeline and Linkup discounts, it promotes a “safety-net” of ensuring Low-Income Native residents have universal access to broadband and to “digital literacy” services that will promote adoption of broadband.

The Commission should further provide either a pilot or permanent discount to connect Tribal public-safety institutions that are either in “underserved” or “unserved” broadband Tribal lands, or in chronically high unemployment or high poverty Tribal lands. (The Commission can, in consultation with Tribes, determine how a public safety discount broadband support program can be tailored--by a criterion of tribal underservice or 15% relative unemployment or poverty statistics.)

Digital Literacy

NTTA does not oppose implementing a digital literacy training program, but based on the priority mission of connecting Native communities and making broadband services affordable and truly universal, NTTA urges that Low-Income funds be used first to support universal access to voice and broadband service in Native communities.

As an alternative, NTTA suggests the Commission should look toward the harmonizing the E-rate program and Distance Learning program with pilot programs to support “digital literacy” or training programs. The Commission’s \$2.25 billion community connect program and telemedicine program is already in place to connect low-income schools and libraries and clinics to computer networks and the Internet.

The Commission’s good intention to harmonize pilot projects with BTOP and BIP grantees will not have meaningful impact on unserved and low-income Tribal areas. BTOP and BIP stimulus funding only went to communities with existing infrastructure and pre-existing commercial service providers. Areas with the greatest need and lowest infrastructure penetration did not receive the stimulus funds. Perhaps only three broadband unserved Tribal communities received funding for broadband stimulus funding. Therefore a priority of pilot project funding to BTOP and BIP grantee communities would not provide significant low-income and underserved area data.

With the NTTA proposed Enhanced Lifeline and Linkup program component to sustain anchor institution connectivity, a digital literacy program sponsored

through the E-rate and telemedicine programs would provide a complementary adoption strategy that will help Tribal communities attain parity of broadband technology and customer access.

F. Tribal Data Gathering

The Commission has noted the lack of data for both voice and broadband service.

“...we do not adopt a separate measurement for low-income broadband penetration on Tribal lands at this time because, as with telephone penetration, the necessary data is not available from the Census Bureau or NTIA.”¹⁵

This lack of data hampers efforts to target solutions to Tribal lands.

While the Commission seeks to address this issue by directing the Bureau to establish a separate measurement for progress towards the Order’s second goal (ensuring the availability of broadband service for low-income Americans) with regard to Tribes, NTTA is concerned about the contingent element the Commission adds to the directive: “to the extent that such information is reliable and statistically significant.”¹⁶ This proviso renders this task and goal unachievable in the near future. To this end, NTTA has proposed in previous comments an initiative to undertake a Native Broadband mapping project,

¹⁵ Footnote 93, FNRPM Lifeline Order: (“As with telephone penetration, we conclude that it is important to measure broadband penetration for low-income consumers on Tribal lands in light of the unique needs of those consumers and the fact that broadband penetration on Tribal lands has historically lagged broadband penetration for the nation as a whole.”)

¹⁶ *id.*

developed in conjunction with and implemented in conjunction with Native governments or delegated authorities. Where the NTIA (and Stimulus mapping project) has failed to attain significant data concerning Native communities, a Native Broadband mapping project can provide valuable data before the census counts are taken.

In addition, a mapping pilot project by necessity, because there is no broadband to map in Native America, includes a survey of current telecommunications, demographic, geographic conditions and barriers on Tribal lands.

In the Commission proposed consultative partnership with the Census Bureau and NTIA should focus particularly on Native communities and more importantly on conditions that operate as barriers as part of its American Community Survey starting in 2013.¹⁷

NTTA also lauds and supports the Commission's direction that the Bureau publishes Tribal Broadband penetration data in its statistical reports. NTTA recommends the Bureau publish penetration rates for all transmission media, including broadband, voice, mass media, wireless and satellite along with FCC programmatic results for Tribal lands and Native communities. These reports would be in keeping with Section 254 Universal Service measurements and community impact assessment.

¹⁷ Footnote 92, FNRPM Lifeline Order; ("We note that NTIA, in cooperation with the Census Bureau, currently publishes information on broadband penetration by income level. *See* EXPLORING THE DIGITAL NATION, *supra* note 47. We also note that the Census Bureau, in consultation with the Commission, is developing questions regarding broadband adoption for possible inclusion in the American Community Survey starting in 2013. *See* Proposed Information Collection; Comment Request; The American Community Survey 2013 Content Changes and Internet Response Mode, 76 Fed Reg. 81474 (Dec. 28, 2011). The ACS currently collects information on income level and the Bureau, may, as necessary, analyze the broadband data sets in context with other social, housing, and economic data available from the ACS".)

IV. Conclusion

The Commission's Low-Income program has had a substantial impact on helping Tribal low-income consumers attain voice telephony service. Lives have been saved and families have benefitted from economic opportunities. With the advent of broadband networks (and IP networks), the Commission must also modernize its strategies and policies for low-income Tribal lands and Native communities. NTTA encourages the forward looking policies, different approaches and ongoing consultation with Tribal governments by the Commission to change the landscape of communications for Native communities.

Respectfully Submitted;

Bill Bryant

Acting Chair

National Tribal Telecommunications

Association